

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

922 WRIT PETITION NO. 14658 OF 2017

CHAYA NILESH PATIL AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

.....

Advocate for Petitioners : Mr. Patil Paresh B.
AGP for Respondent Nos. 1 to 4 : Mr. S. N. Kendre

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CORAM : V. K. JADHAV, J.
DATED : 28th FEBRUARY, 2018

PER COURT:-

1. Heard finally with consent at admission stage.
2. The learned counsel for the petitioners submits that the Collector, Aurangabad, by common order dated 23.02.2016, has disqualified near about 43 Members of various village Gram Panchayat on the count that they have not submitted the account of election expenses within time. The learned counsel submits that the learned Collector has not given opportunity of hearing to the petitioners and passed the impugned order. This Court (Coram: Ravindra V. Ghuge, J.) in Writ Petition No. 197 of 2018 and other connected matter, by judgment and order dated

14.02.2018, dealt with the matters of the petitioners therein who came to be affected due to the same common order passed by the learned Collector, Aurangabad, and remitted the matter to the Collector for hearing afresh with certain directions.

3. I have also heard the learned AGP for the respondent-State.

4. In view of the order passed by this Court dated 14.02.2018 in Writ Petition No. 197 of 2018 and other connected matter, and since the petitioners herein are also affected by the same common order passed by the Collector, I pass the same order with same directions. Hence the following order:

I. The Writ Petition is hereby partly allowed. No costs.

II. The impugned order dated 23.02.2016 passed by the Collector, Aurangabad and the order dated 26.10.2017 passed by the Additional Commissioner, Aurangabad in G.P. Appeal No. 107 of 2016, are hereby quashed and set aside to the extent of the present petitioners.

III. The matter is remitted back to the Collector, Aurangabad, to the extent of the present petitioners with the following directions:

- a. The petitioners to appear before the Collector, Aurangabad on 19.03.2018 at 3.00 p.m. Formal notice need not be issued by the Collector.
- b. On the date of appearance, all the petitioners shall submit their written submissions with regard to the delay caused in lodging the account of election expenses. They shall thereafter abide by the dates of hearing on which the Collector would post the matter.
- c. It is expected that the competent Authority shall pass a reasoned order after hearing the litigating sides, on or before 21.05.2018.
- d. Needless to state that until then, the positions, which have been declared to be vacant on account of the disqualification of these petitioners, shall not be filled in and the said disqualification shall be subject to the result of the proceedings before the Collector.

5. The Writ Petition is accordingly disposed of.
6. The pending Civil Application seeking intervention also stands disposed of.

(V. K. JADHAV, J.)

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